



MATTHEWS-BROWN CONTRACTORS, INC.

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MAR 19 1996

March 14, 1996

FCC MAIL ROOM

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: Telecommunications Services - Inside Wiring, Customer Premises Equipment,
CS Docket No. 95-184

Dear Mr. Caton:

I am writing in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1995 regarding telephone and cable wiring inside buildings. I have enclosed four (4) copies of this letter in addition to this original.

I am concerned that any action by the FCC regarding access to private property by large numbers of telecommunications companies may inadvertently and unnecessarily adversely affect the conduct of my business and needlessly raise additional legal issues. The Commission's public notice also raised a number of other issues of concern to me.

Background

Matthews-Brown Contractors is in the commercial and residential real estate business. We own commercial properties in Baltimore County, Maryland. We also build and renovate commercial and residential properties in and around the Baltimore-Metropolitan area. The company is a small business with an annual gross revenue of less than \$5 million per year.

Issues Raised by the FCC's Notice

The FCC's request for comments raises the following issues of concern to me: access to private property, location of the demarcation point; standards for connections; regulation of wiring; and customer access to wiring.

1) **Access to Private Property:** As you know, modern telecommunications are critically important to my commercial tenants. No business can survive in today's economy without effective, up-to-date telecommunications services. For that reason, it is important for me to ensure that my tenants receive all the services they need and desire at a reasonable cost. The commercial real estate business is fiercely competitive, and if I do not provide my tenants with access to the latest telecommunications services, my business will not survive either.

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J. L. ARCOE

Mr. William F. Caton
March 14, 1996
Page Two

Access to efficient telephone and cable television service is also important to the residents of the buildings and homes we construct and renovate, and we are committed to making sure that those services are available.

Government intervention, however, is neither necessary nor desirable to ensure that telecommunications service providers can serve my tenants and residential clients. Indeed, I believe that such intervention could have the unintended effect of interfering with my ability to effectively manage my properties and projects. Building owners and managers have many responsibilities that can only be met if their rights are preserved, including coordination among tenants and service providers; managing limited physical space; ensuring the security of tenants, clients and visitors; and compliance with safety codes. Needless regulation will not only harm our interests, but those of our tenants, residents, clients, and the public at large.

A building owner must have control over the space occupied by telephone lines and facilities, especially in multi-occupant buildings, because only the landlord can coordinate the conflicting needs of multiple tenants or residents and multiple service providers. This has traditionally been more of an issue for commercial properties, but will become increasingly important in the residential area as well. Increased telecommuting and implementation of new telecommunications laws are leading to a proliferation of services, service providers and residential telecommunications needs. As these changes in society occur, the role of the landlord or manager and the importance of preserving control over raceways and conduit space is sure to grow. For this reason, I believe that the best approach to the issues raised in the request for comments is to allow building owners, if they choose, to retain ownership and control over their property -- including inside wiring -- as long as they make sufficient capacity available to meet all the needs of a building's occupants.

Every building has a limited amount of space for installation of telecommunications facilities. Even if that space can be expanded, it cannot be expanded beyond certain limits and without significant expense. Installation and maintenance of such facilities involves disruptions for tenants and residents and physical damage to the building itself. Telecommunications service providers are unlikely to consider such factors because they will not be held responsible for any adverse effects.

I am also concerned about security issues. Telecommunications service providers have no security obligations. Thus, any maintenance and installation activities must be conducted within the rules established by a building's manager, and the manager must have the ability to supervise those activities. Our tenants and clients are justifiably concerned about their personal safety and I cannot allow service personnel to go where they please in our buildings without my knowledge.

Finally, I am responsible for compliance with local safety and building codes and for their enforcement. I cannot ensure compliance with such requirements if I do not have control over who works in our buildings, or when and where they work. Limiting my control in this area will unfairly increase my exposure to public liability and adversely affect public safety.

In summation, as a competitor in the marketplace, I will continue to make sure my tenants and clients have the services they need. It is unnecessary for the government to interject itself into this field, and any government action is likely to prove counterproductive.

Mr. William F. Caton

March 14, 1996

Page Three

2) **Demarcation Point:** The Notice asks for comments regarding the need for a common demarcation point, and the location of such a point. I believe that the only criterion for the location of the demarcation point should be the nature for the property, not the specific technology involved. There should be a uniform demarcation point for all commercial properties, and a different demarcation point for residential properties. In the case of commercial buildings, the demarcation point should be inside the premises, preferably at the telephone vault or frame room. For residential properties, the point should be outside the building if it is an apartment building with no residential superintendent, and certainly should be outside of any resident's premises.

3) **Connection:** The Notice asks whether the FCC should issue technical standards for connections. I believe that government action in this matter is unnecessary. The telecommunications industry has already established standards that are widely followed, and it is in the best interests of the companies and their customers that they continue to be followed.

4) **Regulation of Wiring:** I have no comments on the merits of any particular scheme for regulating inside wiring because I am a user of telecommunications, not a provider. However, I think it is important to note that there are substantial differences between residential and commercial buildings and it probably does not make sense to adopt uniform rules for all types of property.

I am also concerned that the government might impose a huge new expense on telecommunications service providers and building owners by requiring retrofitting of existing buildings. I believe that such matters should be left to the ongoing discussions regarding amendments to the Model Building Code. Except where safety is involved, amendments to the building and electrical codes are seldom retroactive.

5) **Customer Access to Wiring:** I have no objection to permitting a customer to install or maintain his own wiring or buy wiring from a service provider, assuming that the rights of the owner of the premises are taken into account. A tenant's rights in wiring should not extend beyond the limits of the demised premises, and the landlord must retain the right to obtain access to the wiring and control the type and placement of such wiring. I also believe that the owner of the premises should have a superseding right to acquire or install any wiring. In any case, a tenant's right to acquire or install wiring should be governed by state property law and the terms of the tenant's lease. We must retain the right to control activities on our own property as necessary.

In conclusion, I urge the FCC to carefully consider any action it may take. Thank you for your attention to my concerns.

Very truly yours,



Carroll M. Brown, Jr.
President

Enclosure
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